

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

FROST SOLUTIONS, LLC,

Plaintiff,

v.

PATRICK BAGLIEN, CHRISTOPHER LAREAU,
and VUE ROBOTICS, LLC,

Defendants.

Civ. Action No. 1:22-cv-00401-SE

**DEFENDANTS’/COUNTERCLAIM-PLAINTIFFS’
ASSENTED-TO MOTION TO AMEND COUNTERCLAIMS**

Defendants Patrick Baglien, Christopher Lareau, and Vue Robotics, LLC (together, “Defendants”), pursuant to Fed. R. Civ. P. 16(b)(4), Fed. R. Civ. P. 15(a)(2), and Fed. R. Civ. P. 15(d), seek leave to amend their Counterclaims (Doc. 72) to assert new claims against Frost Solutions, LLC (“Frost Solutions”) arising from events that have transpired in the last several months, but are similar to the matters in Frost Solutions’ Complaint.

1. Federal R. Civ. P. 16(b)(4) empowers this Court to modify a discovery schedule all allow a party to amend a pleading “for good cause,” even if the deadline to do so has passed.
2. Federal R. Civ. P. 15(a)(2) allows a party to amend a pleading with the court’s leave, which “[t]he court should freely give when justice so requires.” *Sig Sauer, Inc. v. Freed Designs, Inc.*, No. 14-CV-461-SM, 2017 WL 4119046, at *2 (D.N.H. Mar. 17, 2017).
3. Defendants’ proposed Amended Counterclaim is based on the discovery of new information, information that was not available when they filed their initial Counterclaim (Doc. 72). Courts have allowed amendments based on the discovery of new information. *See Amyndas Pharms., S.A. v. Zealand Pharma A/S*, 48 F.4th 18, 37 (1st Cir. 2022); *Keefe*

v. Ausman, No. 90-cv-191-S, 1991 WL 534918, at *3 (D.N.H. Aug. 16, 1991) (granting motion to amend “to assert the updated facts concerning events which have transpired” since the original complaint); *Bobba v. Patel*, No. 3:19-30171-MGM, 2021 U.S. Dist. LEXIS 85953, at *7 (D. Mass. May 4, 2021) (“[I]t is not unusual for a party to add claims, particularly claims that are related to those it has already asserted, based on information the party acquires in discovery.”).

4. The proposed amendment also removes two counterclaims that Counterclaim-Plaintiffs no longer desire to pursue.
5. Federal R. Civ. P. 15(d) permits “a party to serve a supplemental pleading setting out any transaction, occurrence, or event that happened after the date of the pleading to be supplemented.” Much of the proposed amended Counterclaim does just that – it updates the events that have occurred since Counterclaim-Plaintiffs filed their initial Answer and Counterclaims.
6. The Memorandum of Law filed contemporaneously with this Motion describes more fully the amendments to their Counterclaims that Defendants propose, and provides additional support for their request to do so at this time.
7. Plaintiff, through counsel, has indicated that it assents to Defendants’ request to amend their Counterclaims at this time, although Plaintiff reserves its rights as to the merits of those claims.

WHEREFORE, Defendants/Counterclaim-Plaintiffs respectfully request that the Court issue an order:

- A. Granting them leave to amend their counterclaims and to file into the docket the proposed amended counterclaim submitted with this Motion; and
- B. Granting such further and additional relief as the Court deems just and equitable.

Respectfully submitted,

**PATRICK BAGLIEN, CHRISTOPHER LAREAU,
AND VUE ROBOTICS, LLC,**

By their attorneys

Sheehan Phinney Bass & Green, P.A.

Dated: February 5, 2025

By: /s/ James P. Harris

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CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically served copies of this document on all counsel of record via the Court's CM/ECF system, pursuant to Fed. R. Civ. P. 5(b)(2)(E).

Dated: February 5, 2025

/s/ James P. Harris

James P. Harris (#15336)

LOCAL RULE 7.1(c) CERTIFICATION

I hereby certify that the undersigned sought and received the consent of Plaintiff prior to filing this Motion.

Dated: February 5, 2025

/s/ James P. Harris
James P. Harris (#15336)